THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.24695 OF 2006

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Date: 08-12-2006

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Between:

V.Anil

Rep.by his father and GPA V.Raghunanandan … Petitioner

And

The Municipal Corporation of Hyderabad

Rep.by its Commissioner, Hyderabad and two others. …

…Respondents

O R D E R;-

Heard the counsel.

The impugned notice dated 22.11.2006 reads as hereunder.

"On the writ petition filed by Sri G.Somasekhar, in W.P.No.21882 of 2006 in the Hon'ble High Court of Andhra Pradesh on 18.10.2006 stating that the action

of the respondent ie., MCH has not removing the illegal construction made by V.Anil, S/o Raghunandan in premises No.3-6-564 part at Himayath Nagar, Hyderabad.

During the course of inspection it is noticed that you have encroached up on the 100'-0" proposed road leading from Liberty Junction to Narayanaguda, Hyderabad, wherein your property was affected under road widening to a depth of 20'-0". This office already demolished the affected portion, while erecting shutters and constructing walls in the left over property and you have encroached 1'-6".

Therefore, you are hereby directed to remove the above said encroachments within 24 hours, failing which MCH will remove the encroachment departmentally and the cost incurred will be collected from you as per HMC, Act 1955".

The writ petition is filed for a writ of Mandamus declaring the impugned notice, dated 22.11.2006 bearing Lr.No.128/ACP/W3B/C3/TPS/MCH/2006 issued by the respondent Nos.1 and 2 as illegal, without jurisdiction and contrary to the Provisions of the HMC Act by directing the respondent Nos.1 and 2 and their subordinates not to interfere with the peaceful possession of the left over properties bearing premises Municipal No.3-6-564 and mugli bearing No.3-6-564/1 situated at Himayathnagar, Hyderabad and pass such other suitable orders.

Several factual details are narrated in paras 3 to 9 of the affidavit filed in support of the writ petition. In view of the facts and circumstances, since the petitioner was not given an opportunity, the petitioner to treat the impugned notice referred to supra as show cause notice and the petitioner is at liberty to submit his objections within a period of three weeks from today and the respondents 1 and 2 to consider such objections in accordance with law and make appropriate orders in this regard in accordance with law and till then status quo to be maintained.

With the above directions, the writ petition is disposed of. No order as to costs.

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P.S.NARAYANA, J.

Date: 08th December 2006

PNV

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